

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

JOEL CLEARY, M.D., individually  
and on behalf of all others similarly  
situated,

Plaintiff,

vs.

RETIREMENT PLAN FOR  
EMPLOYEES OF NORTHERN  
MONTANA HOSPITAL, et al.,

Defendants.

CV 16-61-GF-BMM

**ORDER**

The Court conducted a hearing on all pending motions in this matter on September 13, 2017. For the reasons discussed in open court,

**IT IS ORDERED:**

1. Defendants' Motion for Summary Judgment (Doc. 30) is DENIED with respect to the claims asserted in Counts 3, 4 and 5 of Plaintiff's Second Amended Complaint. The portion of Defendants' Motion for Summary judgment that addressed Counts 1 and 2 of Plaintiff's Second Amended Complaint is taken under advisement.
2. Plaintiff's Motion for Leave to File a Third Amended Complaint (Doc. 50) is GRANTED.

3. Plaintiff's Motion for Mediation (Doc. 56) is GRANTED.
4. Plaintiff's Motion to Compel Discovery (Doc. 61) is taken under advisement.
5. Plaintiff's Motion to Supplement the Record on Summary Judgment (Doc. 67) is GRANTED.

DATED this 14th day of September, 2017.



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Brian Morris  
United States District Court Judge